

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-vs-

JAMES BYRGE

Defendant

:
: CASE NO. 1:12 CR 134-07
:

:
: ORDER ACCEPTING PLEA
: AGREEMENT AND JUDGMENT AND
: NOTICE OF HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of James Byrge which was referred to the Magistrate Judge with the consent of the parties.

On 13 March 2012, the government filed a two-count indictment against James Byrge for conspiracy to possess with intent to distribute oxycodone in violation of 21 U.S.C. § 846 and using a telephone during the commission of a felony in violation of 21 U.S.C. § 843(b). On 20 March 2012, a hearing was held in which James Byrge entered a plea of not guilty before Magistrate Judge Vecchiarelli. On 9 October 2012, Magistrate Judge Vecchiarelli received James Byrge's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. James Byrge is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, James Byrge is adjudged guilty of Count One in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

Sentencing will be:

15 January 2013 at 11:00 a.m.

**Courtroom 16B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 23 October 2012


UNITED STATES DISTRICT JUDGE